

## **ORDINANCE NO. 2007-48**

### **Creation of a Historic Sites Preservation Commission and Program**

THE COUNTY BOARD OF SUPERVISORS OF JEFFERSON COUNTY DOES  
HEREBY ORDAIN AS FOLLOWS:

#### Section 1.

##### 1.01 PURPOSE AND INTENT.

(1) It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements of special character of special historical interest or value is a public necessity and is required in the interest of health, prosperity, safety and welfare of the people. The purpose of this section is to:

(a) Effect and accomplish the protection, enhancement and perpetuation of such improvements and of districts which represent or reflect elements of the County's cultural, social, economic, political, engineering, anthropological, archaeological and architectural history and prehistory.

(b) Safeguard the County's historic, prehistoric, and cultural heritage, as embodied and reflected in such historic structures, sites and districts.

(c) Stabilize and improve property values.

(d) Foster civic pride in the beauty and noble accomplishments of the past.

(e) Protect and enhance the County's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.

(f) Strengthen the economy of the County.

(g) Promote the use of historic and prehistoric structures, sites and districts for the education, pleasure and welfare of the people of the County.

##### 1.02 DEFINITIONS.

(1) In this section, unless the context clearly requires otherwise:

(a) Commission means the Historic Sites Preservation Commission created under this section.

(b) Commissioner. Any reference to Commissioner herein shall mean the County Zoning Commissioner.

(c) Improvement means any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment.

(d) Improvement parcel is the unit of property which includes a physical betterment constituting an improvement and the land embracing the site thereof, and is treated as a single entity for the purposes of levying real estate taxes. Provided, however, that the term "improvement parcel" shall also include any unimproved area of land which is treated as a single entity for such tax purposes.

(e) Historic district is an area designated by the County Board on recommendation of the commission, composed of two or more improvement parcels that together compromise a district of special character or special historic interest or value as part of the development, heritage or cultural characteristics of the County, state or nation, and which has been designated as a historic district pursuant to the provisions of this chapter.

(f) Historic structure means any improvement which has a special character or special historic or value as part of the development, heritage or cultural characteristics of the County, state or nation and which has been designated as a historic structure pursuant to the provisions of this chapter.

(g) Historic site means any parcel of land whose historic significance is due to a substantial value in tracing the history or prehistory of native American people, or upon which a historic event has occurred, and which has been designated as a historic site under this section, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.

(h) History is defined to include all prehistoric periods also.

### 1.03 MEMBERSHIP.

(1) The Historic Sites Preservation Commission is hereby created consisting of 7 members. Such members shall not be eligible for meeting fees, mileage or other expense reimbursement. A reasonable effort shall be made to appoint commission members as follows: one shall be a registered architect or architectural historian; one shall be a historian qualified in the field of historic preservation; one shall be a licensed real estate broker; one shall be a County Board member; one shall be a qualified archaeologist; and two shall be citizen members. Each member shall have, to the highest extent practicable, a known interest in historic preservation.

(2) The Jefferson County Administrator shall appoint the commissioners subject to confirmation by the County Board. Of the initial members so appointed, two shall serve a term of one year, two shall serve a term of two years, and three shall serve a term of three years.

Thereafter, the term for each member shall be three years. The Commission shall elect its chair, vice chair and recording secretary on an annual basis.

#### 1.04 HISTORIC STRUCTURES AND SITES DESIGNATION CRITERIA.

(1) A historic structure or historic site designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, archaeological, architectural or cultural significance to the County of Jefferson, such as historic structures of sites which:

(a) Exemplify or reflect the broad cultural, political, or economic or social history of the nation, state, regional or local community; or

(b) Are identified with historic personages or with important events in national, state or local history; or

(c) Embody the distinguishing characteristics of any architectural type or specimen, inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or

(d) Are representative of the honorable work of a master builder, designer or architect whose individual genius influenced his/her age; or

(e) Have yielded, or may be likely to yield, information important to prehistory or history.

(f) Contains Native American pre-contact structures.

(2) The Commission may adopt specific operating guidelines for landmark sites designation providing such are in conformance with the provisions of this paragraph.

#### 1.05 DUTIES AND POWERS.

(1) Designation. The Commission shall have the power, subject to the provisions and criteria of Sections 1.04 and 1.06 of this Code, to designate historic structures, historic sites and historic districts within the unincorporated areas of the County. Once designated by the Commission, such historic structures, sites and districts shall be subject to all the provisions of this Code, and such designation shall be recorded, at county expense, at the Jefferson County Register of Deed's office.

(a) Procedure.

1. Any person, including the owner of a structure or site, or any member of the Commission, may nominate a specific site, structure, or district for designation by the Commission. Any person who wishes to nominate a structure, site, or district for approval by the Commission, shall submit such a request in writing to the Commission.

2. Upon receipt of a nomination for a historic structure, site, or district, the Commission shall call a public hearing to be held on the nomination. Notice of the time and place of such hearing shall be given by publication in the county of a class two notice under ch. 985 of the Wisconsin Statutes. A copy of the notice shall also be mailed by certified or registered mail to the address of the owner or owners of the structure, site, or district to be considered. At such public hearing, the public shall have an opportunity for written and oral comment regarding said nominations.

3. As soon as possible after such public hearing, the Commission shall act on the nomination, either approving, modifying and approving, or disapproving of the same. If the nomination is approved, notice of the decision shall be mailed by registered or certified return receipt requested mail to the owner or owners of the structure, site or district considered. This notice shall advise the owner(s) that the Commission's decision will be forwarded to the County Board for final approval and shall specify a date not less than thirty (30) days from the date of mailing by which an owner may deliver a written statement to the Commissioner that such owner declines to have the nominated property so designated. In the event an owner timely submits such a statement, the Commission shall withdraw the proposed resolution seeking final approval from the County Board.

(2) Regulation of Construction, Demolition, Reconstruction and Exterior Alteration.

(a) Any application for a permit from the County Zoning and Planning Department involving a designated historic site, historic structure or any property within a historic district shall be filed with the Historic Sites Preservation Commission.

(b) Upon filing of any application with the Historic Sites Preservation Commission, the Commission shall review the application and assess the effects of the application on the historic site, structure, district or archaeological site. The Commission shall recommend approval or disapproval of the application to the County Zoning and Planning Department within seven (7) days of notification from the Department. If the Commission recommends disapproval of the application, the Commission shall advise, cooperate, educate and work with the applicant in an attempt to obtain approval within the guidelines of this Code. The County Zoning and Planning Department and the County Zoning & Planning Committee shall consider the recommendation of the Historic Sites Preservation Commission, but shall not be bound by such recommendation.

(c) Actively work for the passage of enabling legislation which would permit the granting of full or partial tax exemptions to properties it has designated under the provisions of this section in order to encourage owners of historic properties to assist in carrying out the intent of the ordinance.

(d) Cooperate with the Historic Preservation Officer for the State of Wisconsin and the State Historic Preservation Review Board in attempting to include such

properties hereunder designated as historic structures, sites, or districts in the National Register of Historic Places.

(e) Work for the continuing education of the citizens about the historic heritage of this county and the historic structures and sites designated under the provisions of this section.

(f) As it deems advisable, receive and solicit funds for the purpose of historic preservation in the County. Such funds shall be placed in a special county account for such purpose.

#### 1.06 VOLUNTARY RESTRICTIVE CONVENANTS.

(1) The owner of any historic structure or site may, at any time following such designation of its property, enter into a restrictive covenant on the subject property after negotiation with the Commission. The Commission may assist the owner in preparing such covenant in the interest of preserving the historic property. The owner shall record such covenant in the County Register of Deed's Office, and shall notify the local Historical Society of such covenant and the conditions thereof.

#### 1.07 CREATION OF HISTORIC DISTRICT.

(1) For preservation purposes, the Historic Sites Preservation Commission may select geographically defined areas within the County of Jefferson to be designated as historic districts and may with the assistance of the County Zoning and Planning Department, prepare a historic preservation plan. A historic district may be designated for any geographic area of particular historic, architectural, archaeological or cultural significance to the County of Jefferson which:

(a) Exemplifies or reflects the broad cultural, political, economic, social history or prehistory of the nation, state or community; or

(b) Is identified with historic personage or with important events in national, state or local history; or

(c) Embodies the distinguishing characteristics or architectural type specimens inherently valuable for the study of a period of periods, styles, methods or construction, indigenous materials or craftsmanship; or

(d) Is representative of the notable works of master builders, designers, or architects who influenced their age.

(e) Contains Native American pre-contact structures.

(2) Each historic preservation plan prepared for or by the Historic Sites Preservation Commission shall include a cultural and architectural analysis supporting the

historic significance of the area, the specific guidelines for development and a statement of preservation objectives.

1.08 ANNUAL REPORT.

(1) The Historic Sites Preservation Commission shall make an annual report to the Jefferson County Board concerning its entire operation and activities.

1.09 SEPARABILITY.

(1) If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of this chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.

Section 2. This ordinance shall be effective after passage and publication.

Adopted by the Jefferson County Board of Supervisors this 11th day of March 2008.

s/Sharon L. Schmeling

Sharon L. Schmeling

Chair

ATTEST:

s/Barbara A. Frank

Barbara A. Frank, County Clerk

Published this \_\_20<sup>th</sup> \_\_\_\_ day of March 2008.